

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**CHUBB EXECUTIVE RISK, INC. d/b/a
CHUBB SPECIALTY INSURANCE,
A SUBSIDIARY OF FEDERAL INSURANCE
COMPANY and KELLY SERVICES GLOBAL, LLC,
JOINT EMPLOYERS**

and

Case 01-CA-173077

THOMAS IERONIMO

ORDER

Petitioner Chubb Executive Risk, Inc.'s Petition to Revoke subpoena duces tecum B-1-ST8TYX is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.¹ See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d

¹ To the extent that the Petitioner has provided some of the requested material, it is not required to produce that information again, provided that the Petitioner accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.

To the extent that the Petitioner asserts that no responsive evidence exists for certain subpoena paragraphs, it is not required to produce subpoenaed evidence that it does not possess, but the Petitioner is required to conduct a reasonable and diligent search for all requested evidence, and as to requested evidence that the Petitioner determines it does not possess, the Petitioner must affirmatively represent to the Region that no responsive evidence exists.

In considering the petition to revoke, we have evaluated the subpoena in light of the Region's statements that it is willing to clarify that: (1) the term "communication" in paragraph 6 refers only to communications regarding the contract(s) between Chubb Executive Risk, Inc. and Kelly Services Global, LLC; and (2) paragraphs 6, 9, and 10 seek only documents from January 2015 through the date of the subpoena.

1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., October 28, 2016

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER

Member Miscimarra would grant the petition to revoke as to paragraph 8 (requesting “[c]opies of those employee handbooks or personnel handbooks, provided to Kelly Services by Chubb, including any notices to employees, or other memos of directives concerning disciplinary policies and other rules, responsibilities and requirements applicable to employees, which were created or in effect at any time between January 2015 through the present”) except for those handbook provisions that reasonably relate to the charge allegations regarding unlawful discipline and joint employers. See *Allied Waste Services of Massachusetts, LLC*, Cases 01-CA-123082, -126843 (Dec. 31, 2014).